

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JULIUS C. BAILEY,

Plaintiff,

-against-

PF CHANG' s CHINA BISTRO, INC.,

Defendant.

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ORDER

16-CV-6946 (JS) (GRB)

17-CV-1615 (JS) (GRB)

17-CV-1616 (JS) (GRB)

17-CV-1617 (JS) (GRB)

APPEARANCES:

For Plaintiff: Julius C. Bailey, pro se  
120 Columbia Street  
Huntington Station, NY 11746

For Defendant: Marc S. Wenger, Esq.  
(in 16-6946) Jackson Lewis P.C.  
58 South Service Road, Ste. 250  
Melville, NY 11747

SEYBERT, District Judge:

On December 9, 2016, pro se plaintiff Julius C. Bailey ("Plaintiff") filed an in forma pauperis Complaint pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), as codified, 42 U.S.C. §§ 2000e to 2000e-17, against PF Chang's China Bistro, Inc. ("Defendant") alleging discrimination in employment and retaliation (the "First Complaint"). By Order dated February 7, 2017, the Court granted Plaintiff's application to proceed in forma pauperis and ordered service of the Summons and First Complaint upon Defendant. On April 25, 2017, Defendant filed an Answer to the First Complaint.

On March 15, 2017, Plaintiff filed three (3) more in forma pauperis complaints against the Defendant pursuant to Title VII, each alleging discrimination in employment and retaliation

(the "Second Complaint" (Docket Number 17-CV-1615), "Third Complaint" (Docket Number 17-CV-1616), and "Fourth Complaint" (Docket Number 17-CV-1617), respectively).

Upon review of Plaintiff's declarations in support of his applications to proceed in forma pauperis in the Second, Third, and Fourth Complaints, the Court finds that Plaintiff's financial status qualifies him to commence these actions without prepayment of the filing fees. See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiffs' applications to proceed in forma pauperis are GRANTED and the Court ORDERS service of the Second, Third, and Fourth Complaints by the United States Marshal Service ("USMS") without prepayment of the filing fees. The Clerk of the Court shall forward the Summons, the Complaints, and this Order to the USMS and the USMS shall serve Defendant.

In addition, because Plaintiff alleges claims of discrimination and retaliation against the same Defendant in each of the Complaints, the Court consolidates them under the first-filed Complaint, 16-CV-6946, and DIRECTS that the cases assigned docket numbers 17-CV-1615, 17-CV-1616, and 17-CV-1617, be CLOSED. All future filings shall be made only under docket number 16-CV-6946.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose

of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is further directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: May 31, 2017  
Central Islip, New York